



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> December 2, 2005 <b>EFFECTIVE DATE</b> December 16, 2005	<b>CONTACT/PHONE</b> Nick Forester 781-1163	<b>APPLICANT</b> Riverstar Wines LLC	<b>FILE NO.</b> DRC2003-00133
<b>SUBJECT</b> Hearing to consider a request by Riverstar Wines LLC for a Minor Use Permit to allow for the establishment of a wine processing and tasting facility within two existing barns (6,226 square feet and 2,952 square feet) on a 75-acre property. During phase one the approximately 3,000 square foot barn will be used for production and storage and a 1,000 square foot tasting room. During phase two the 3,000 square foot building will be remodeled to expand the tasting area to 1,730 square feet and the remaining area will be used for case good storage. Use areas within the 6,226 square foot building will include processing, fermentation, and barrel storage. The winery is proposing to hold up to six special events a year with a maximum of 80 persons attending each event. The project is located on the northwest corner of the intersection of Estrella and Airport Road, approximately 5 miles southeast of the community of San Miguel, in the El Pomar/Estrella Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2003-00133 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on September 22, 2005 for this project. Mitigation measures are proposed to address biological resources.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> Flood Hazard	<b>ASSESSOR PARCEL NUMBER</b> 027-191-016	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> Does the project meet applicable Planning Area Standards: Not applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights Chapter 22.18 Parking and loading, Section 22.10.080 Fencing and Screening, Chapter 22.20 Sign Ordinance, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards, Section 22.30.070 Agricultural Processing Uses. Does the project conform to the Land Use Ordinance standards ? : Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on December 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Two Single family dwellings, farm support quarters, agricultural accessory structures, vineyards.	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Dry farm <i>East:</i> Agriculture/Dry farm/scattered residences <i>South:</i> Agriculture/Dry farm/scattered residences <i>West:</i> Agriculture/vineyards/scattered residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Group, San Miguel Sanitary District, San Miguel Fire, Public Works, Environmental Health, Ag Commissioner, CDF, Department of Fish and Game, City of Paso Robles.	
TOPOGRAPHY: Flat to slightly sloping	VEGETATION: Vineyards
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: August 16, 2005

## DISCUSSION

### LAND USE ORDINANCE STANDARDS:

#### Ordinance Compliance:

The project is subject to Land Use Ordinance Section 22.30.070D(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	20 acres	75 acres
Setbacks: Front, Side, Rear	200 feet	Front: 270 feet  Side: 46 feet Rear: 2000 feet
Height	35 feet	29 feet
Parking	8	18

Modifications:

Setbacks:

The applicant is requesting a waiver of the requirement that the winery be located 200 feet from the side property line, and is proposing to place the winery and tasting room building 46 feet from the eastern side property line. Waiver of the required 200 foot setback is justified because the applicant is proposing to convert an existing structure into the winery building and requiring relocation of the structure would impact existing vineyards. Additionally, the property fronts on Estrella Road, which is a designated collector road.

As conditioned the project complies with the requirements of the Land Use Ordinance.

COMMUNITY ADVISORY GROUP COMMENTS: The application was referred to the San Miguel Advisory Group on June 2, 2004, February 12, 2005 and October 4, 2005. No response has been received.

AGENCY REVIEW:

Public Works- Recommends approval.

Environmental Health - Recommends approval with stock conditions.

Ag Commissioner- No anticipated impact to agriculture.

CDF – Issued Fire letter dated September 22, 2004.

City of Paso Robles- No comments received.

Larry Kelly- Legal lot as per document # 22722.

City of Paso Robles- No comments received.

LEGAL LOT STATUS:

The lot was legally created by deed at a time when that was a legal method of creating lots.

Staff report prepared by Nick Forester and reviewed by Kami Griffin

## EXHIBIT A - FINDINGS

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on September 22, 2005 for this project. Mitigation measures are proposed to address biological resources.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the winery does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the winery is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Estrella Road, a collector road constructed to a level able to handle any additional traffic associated with the project
- G. A side yard setback of 46 feet from the eastern property line is justified because the property fronts on Estrella Road a collector road and the setbacks are not practical or feasible because the structures are existing and to allow the set back waiver will minimize additional site disturbance and potential habitat loss for the Kit Fox.

## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes
  - a. A Minor Use Permit to allow for the establishment of a wine processing and tasting facility within two existing barns (6,226 square feet and 2,952 square feet) on a 75-acre property. During phase one the approximately 3,000 square foot barn will be used for production and storage and a 1,000 square foot tasting room. During phase two the 3,000 square foot building will be remodeled to expand the tasting area to 1,730 square feet and the remaining area will be used for case good storage. Use areas within the 6,226 square foot building will include processing, fermentation, and barrel storage. six special events a year with a maximum of 80 persons attending each event.
  - b. A maximum of six special events a year with a maximum of 80 persons attending each event.
  - c. Maximum height is 29 feet from average natural grade.

### **Water**

2. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

### **Aesthetics**

3. **At the time of application for construction permits**, the applicant shall submit landscape plans to the Department of Planning and Building for review and approval. The plans shall provide landscape screening of the winery buildings, associated parking areas and water tanks from Estrella Road. All landscaping shall be maintained until fully established. Trees and shrubs that die shall be replaced within 30 days.

### **Exterior Lighting**

4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

### **Site Development**

5. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

6. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

#### **Fire Safety**

7. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the fire letter issued by CDF on September 22, 2004.

#### **Biology**

8. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of .32 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Fees, made payable to The Nature Conservancy, would total \$800.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground-disturbing activities.

- c. Purchase .32 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and

initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of .3 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

9. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required conditions 10 through 19. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- b. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

10. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each

exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist

11. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
12. **Prior to permit issuance and initiation of any ground disturbing activities**, Conditions 10, 11, and 13 through 20 shall be clearly delineated on project plans.
13. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
14. **Prior to issuance of grading and/or construction permit** and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
15. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
16. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.



17. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
18. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
19. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
20. **Prior to final inspection, or occupancy**, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the **applicant** shall do the following to provide for kit fox passage:
  - a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### **Wastewater**

21. **Prior to issuance of construction permits for the winery**, the applicant shall submit a Waste Discharge permit or exemption from a permit from the Regional Water Quality Control Board. A copy of the permit or exemption from a permit shall be submitted to the County Planning and Building Department and Environmental Health Department.

#### **Conditions to be completed prior to occupancy or final building inspection**

22. **Prior to occupancy or final building inspection**, landscaping in accordance with the approved landscaping plan for the winery shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
23. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

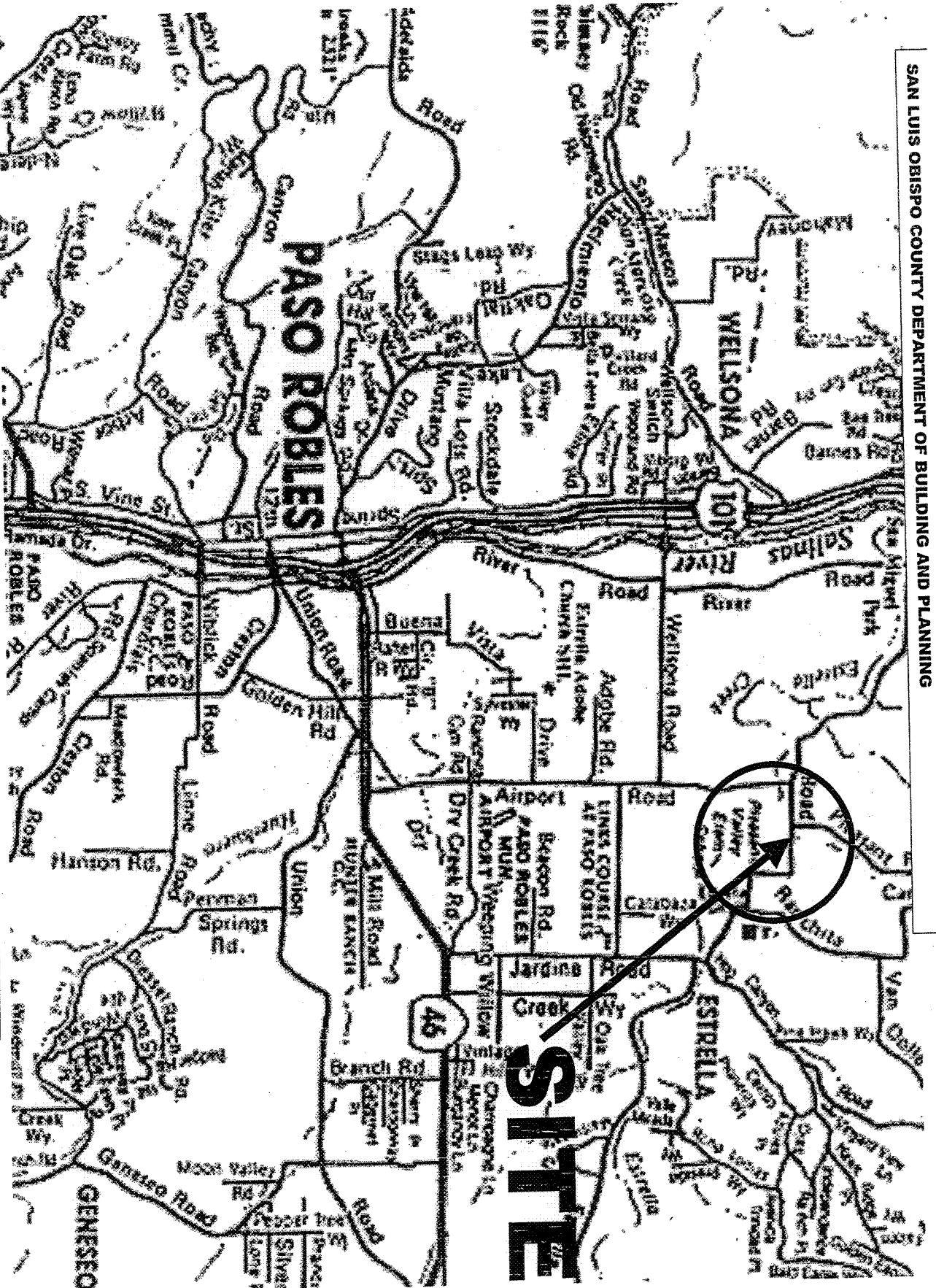
24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**Noise**

25. The project shall comply with the County Noise Element: From 7:00 a.m. to 10:00 p.m.(daytime), noise levels at the property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65dB. From 10:00 p.m. to 7:00 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45dB, with a maximum level of 65dB and maximum impulsive noise level of 60dB.
26. Solid vegetable waste from the winery (pomace), shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.
27. **Prior to final inspection or occupancy of any structure associated with this approval**, the applicant shall receive final inspection from the county building department for any unpermitted structures that exist on the property.
28. This land use permit is for the project as described in condition 1. The land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed for each building. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

**Outdoor Storage**

29. Winery related materials stored out of doors and all tanks shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Estrella road, or adjacent properties.



PROJECT

Minor Use Permit  
Hilltop, Inc. DRC2003-00133



EXHIBIT

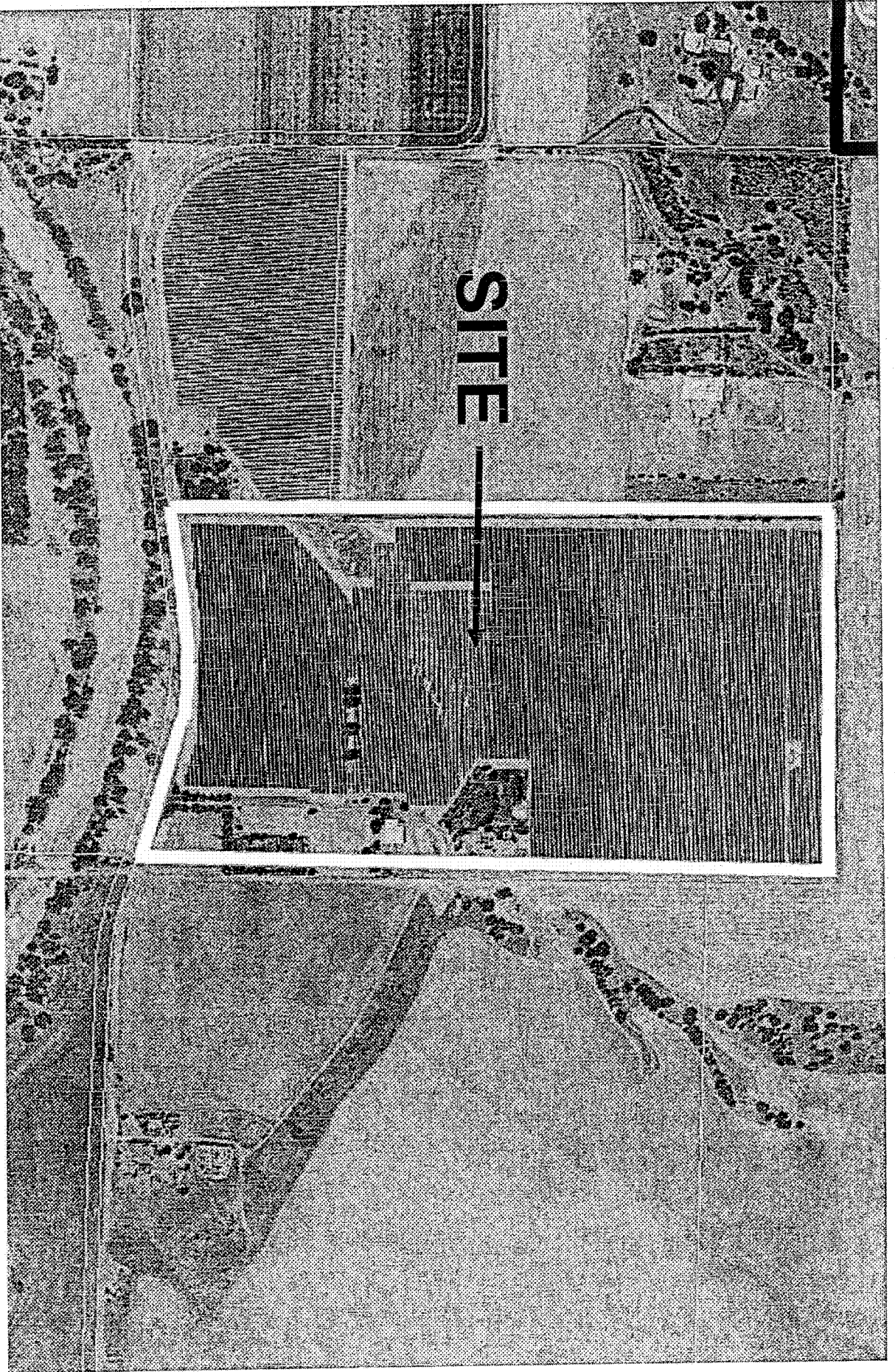
Vicinity Map

Minor Use Permit  
Hilltop, Inc. DRC2003-00133



Land Use Category





PROJECT

Minor Use Permit  
Hilltop, Inc. DRC2003-00133



EXHIBIT

Aerial

# RIVER STAR RANCH

7450 ESTRELLA,  
SAN MIGUEL, CA.

## PROJECT SUMMARY

**Description of Proposed Use:**  
This building is intended for use as a production and storage facility for a small winery with an attached tasting room. The hours of operation will be generally 9 a.m. to 5 p.m. during the year, however, additional time may be required during the production season from August through November. It is anticipated that there will be two employees on the property.

**Distances:**  
Distances of product may enter the site from Estrella.

**Equipment:**  
It is anticipated that only equipment for wine production will be provided. Any additional equipment for specific uses will be screened from public view.

**Project Address:** 7450 Estrella Road,  
San Miguel, CA  
**Owner Name and Address:** Ed & Marjell Dutton  
7450 Estrella Road  
San Miguel, CA 92401  
**Architect/Agent:** Hamrick Associates, Inc.  
1609 Costa Brava  
Ches Beach, CA 92349  
(805) 773-9377

**Property Information:**  
**Existing Use Zone:** Agriculture (AG)  
**Proposed Land Use:** AG Storage / Production  
**Assessor's Parcel Number:** 027-101-018  
**Area of Site:** 80 acres  
**Site Coverage:** 10.825 a.l. (13.2%)  
**Existing Buildings:** No Present Buildings at this time  
**Setbacks:**  
Front: 200' min.  
Side: 30' min.  
Rear: 30' min.  
**Parking Required:** Total Spaces Required: 13  
Tasting Room: = 1 space / 200 a.l. = 1750 / 200 = 8.75  
Production/Storage: = 1 space / 2000 a.l. = 7457 / 2000 = 3.72  
Total Parking Required = 12.55 spaces  
**Parking Provided:** Total Spaces Provided: 18

**Building Information:**  
**Occupancy:** U-3  
**Construction Type:** Type VN  
**Building Area:** 8,223 a.l.  
**Number of Stories:** 1  
**Tallest Building Height:** 29'

## GENERAL NOTES

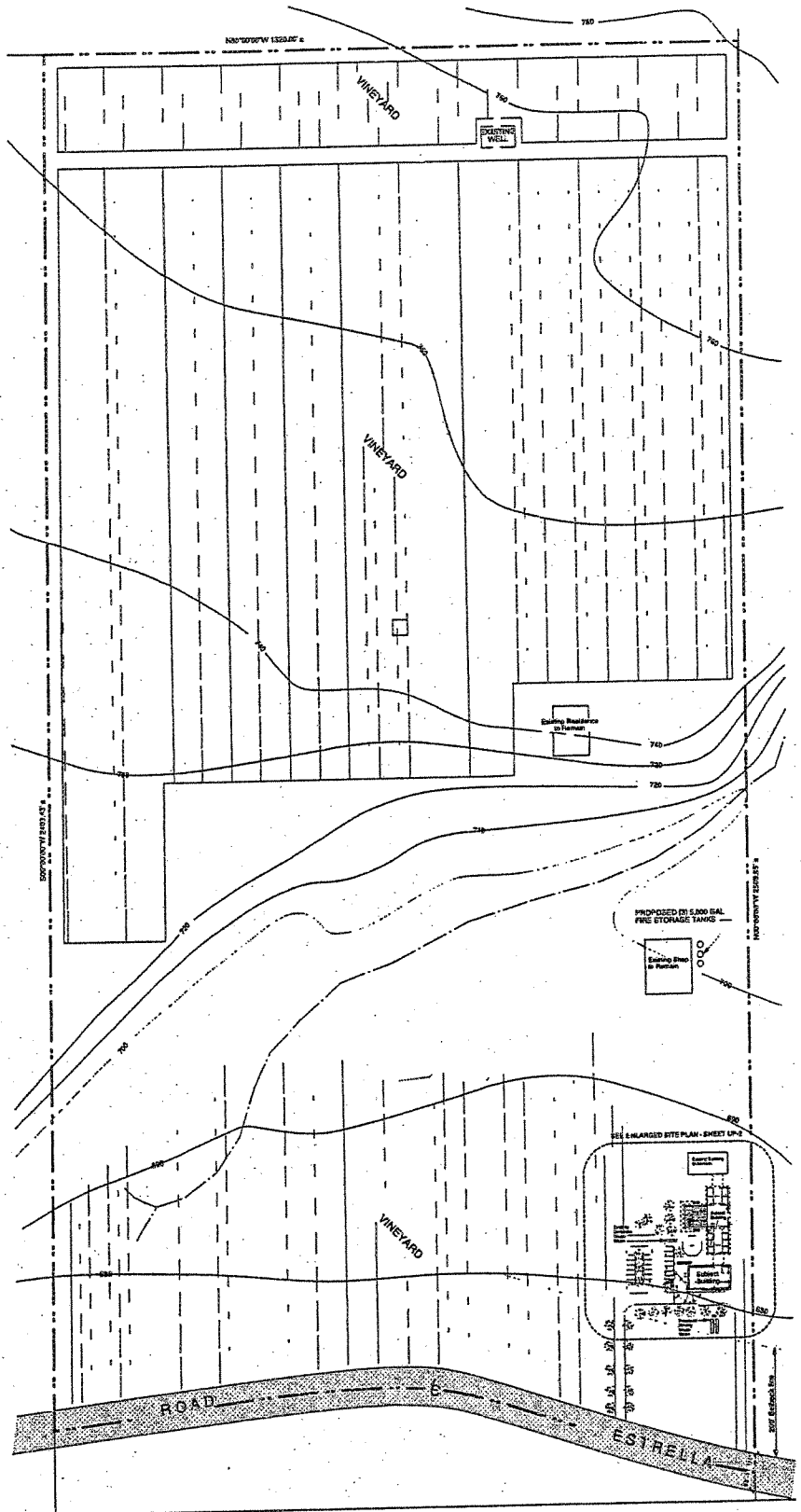
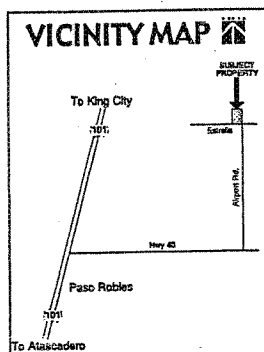
- Construction shall be in conformance with the following codes:  
Uniform Building Code 1997 National Electrical Code 1998  
Uniform Mechanical Code 1997 Uniform Fire Code 1997  
California Admin. Code 1-11 & 24 Uniform Plumbing Code 1997
- All utilities shall be placed underground.
- A separate grading permit and encroachment permit is required in addition to the building permit.
- Locations, clearance dimensions an utility stub outs for all equipment shall be coordinated and/or verified by contractor.
- Sanitary facilities will be provided on site during construction of each tenant improvement space.

## FIRE SYSTEM NOTES

- Submit plans and specifications for the entire fire alarm system to the California Division of Forestry for review and approval prior to installation. Plans per NFPA 13.
- Fire Department Access to Equipment. Rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems or other detection, suppression or control elements shall be identified for use by the Fire Department.
- When fire protection facilities are to be installed by the developer, such facilities shall be installed and made serviceable prior to and during the time of construction.
- Install (3) wall mounted fire extinguishers, No. 2A10BC as shown on floor plans, so that maximum travel distance shall not exceed 75' to the nearest extinguisher from any portion of the building. Fire extinguishers listed above, will be required on site during construction.

## DIRECTORY

**Owner:** Ed & Marjell Dutton, 457.3888  
**Architect:** Hamrick Associates, Inc. - 773.9377  
**BLD County Planning Dept.:** 781.7175  
**BLD County Building Dept.:** 781.7180  
**California Division of Forestry:** Fire Dept.: 781.7388  
**PGE:** J.T. Hearn 545.3234  
**Gas Co. (Southwestern):** 781.2430  
**Pacific Bell:** David Moore - 545.7447



## OVERALL SITE PLAN

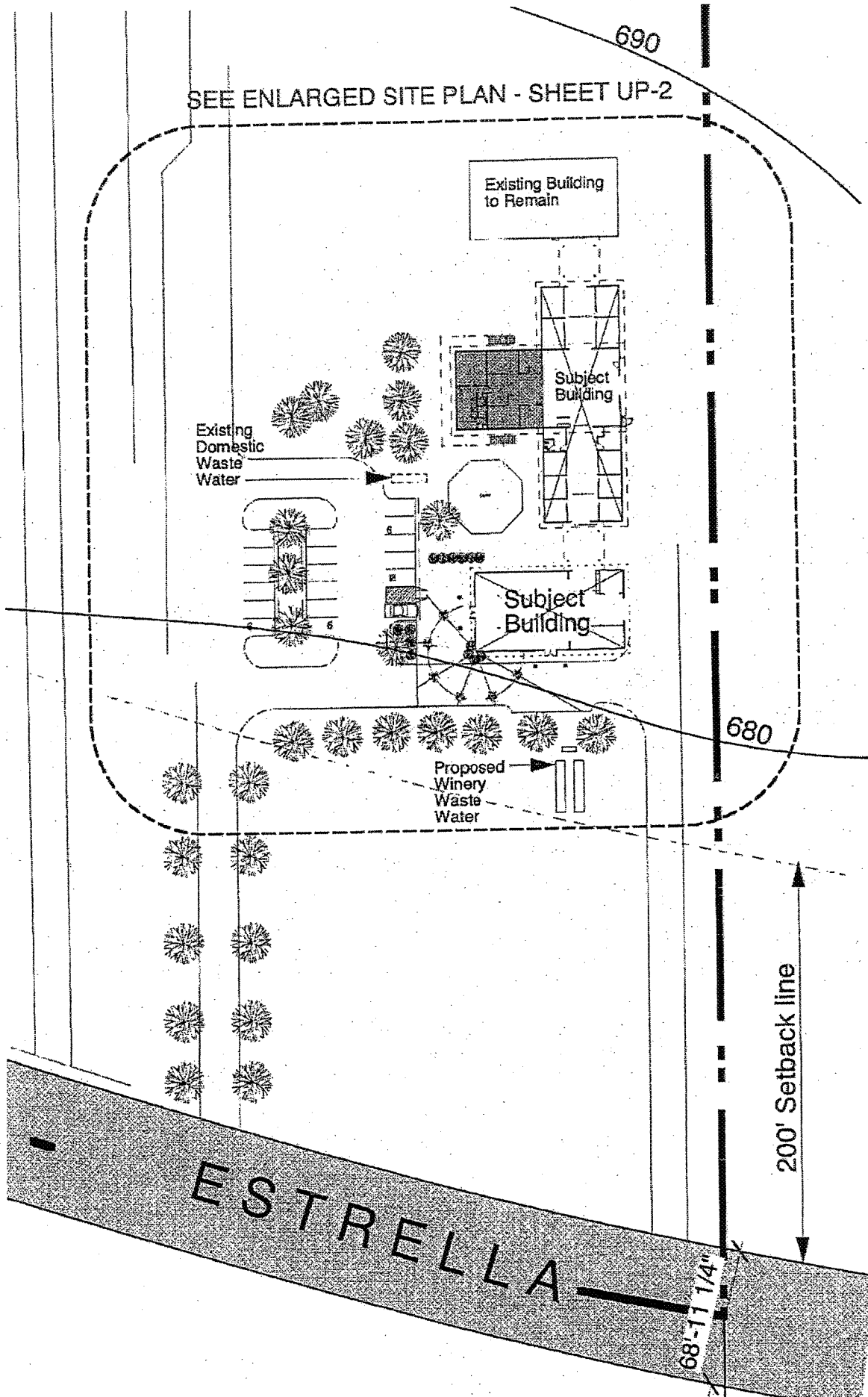


## SHEET INDEX

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DIRECTORY
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PRELIMINARY GRADING PLAN
- UP-3 BUILDING FLOOR PLANS  
BUILDING ELEVATIONS

UP-1

**Hamrick Associates, Inc.**  
Architecture • Planning  
1609 Costa Brava, Shell Beach, CA 92349  
(805) 773-9377



EXHIBIT

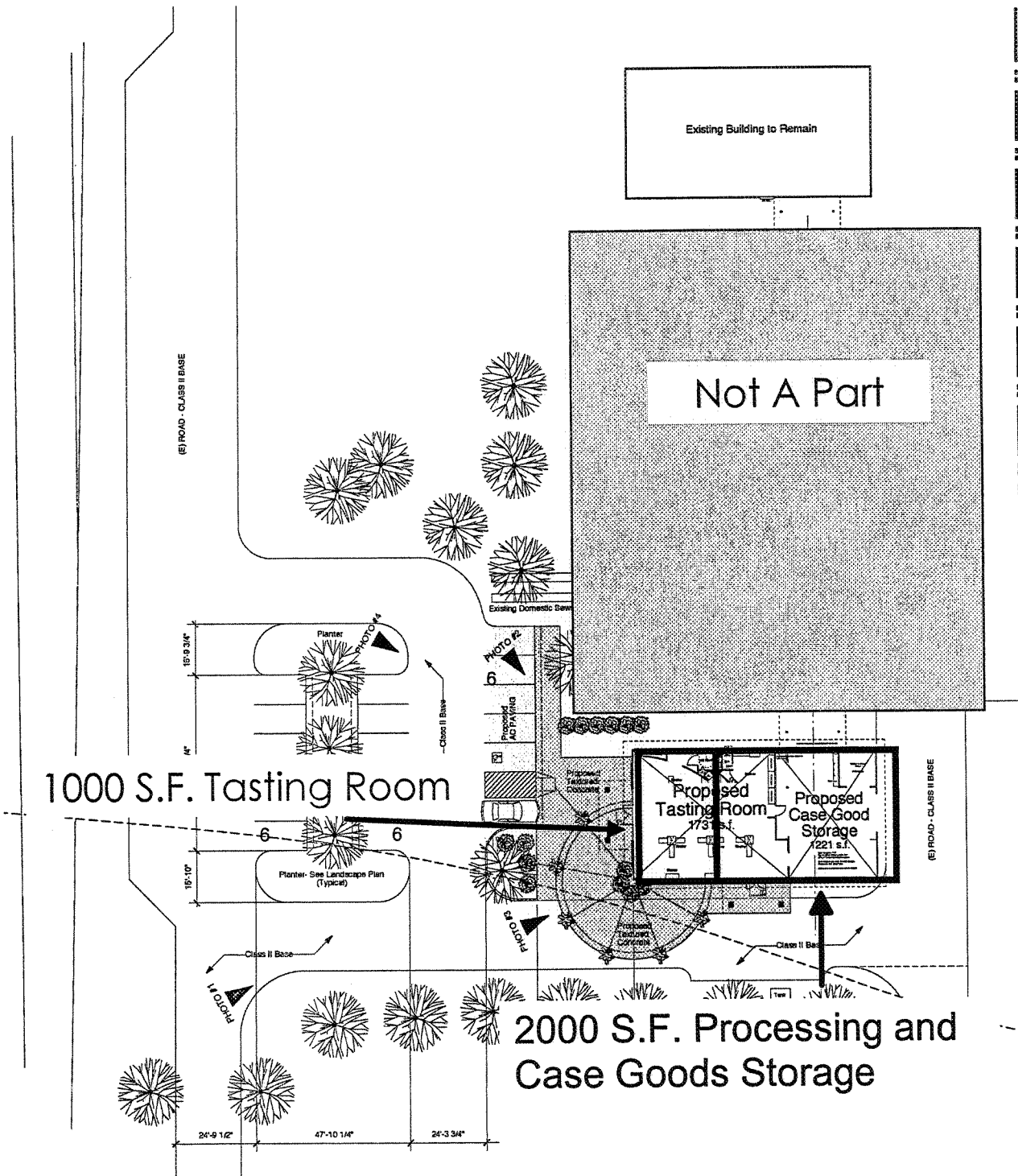
Site Plan



PROJECT

Minor Use Permit  
Hilltop, Inc. DRC2003-00133

# Phase 1



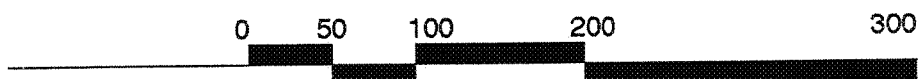
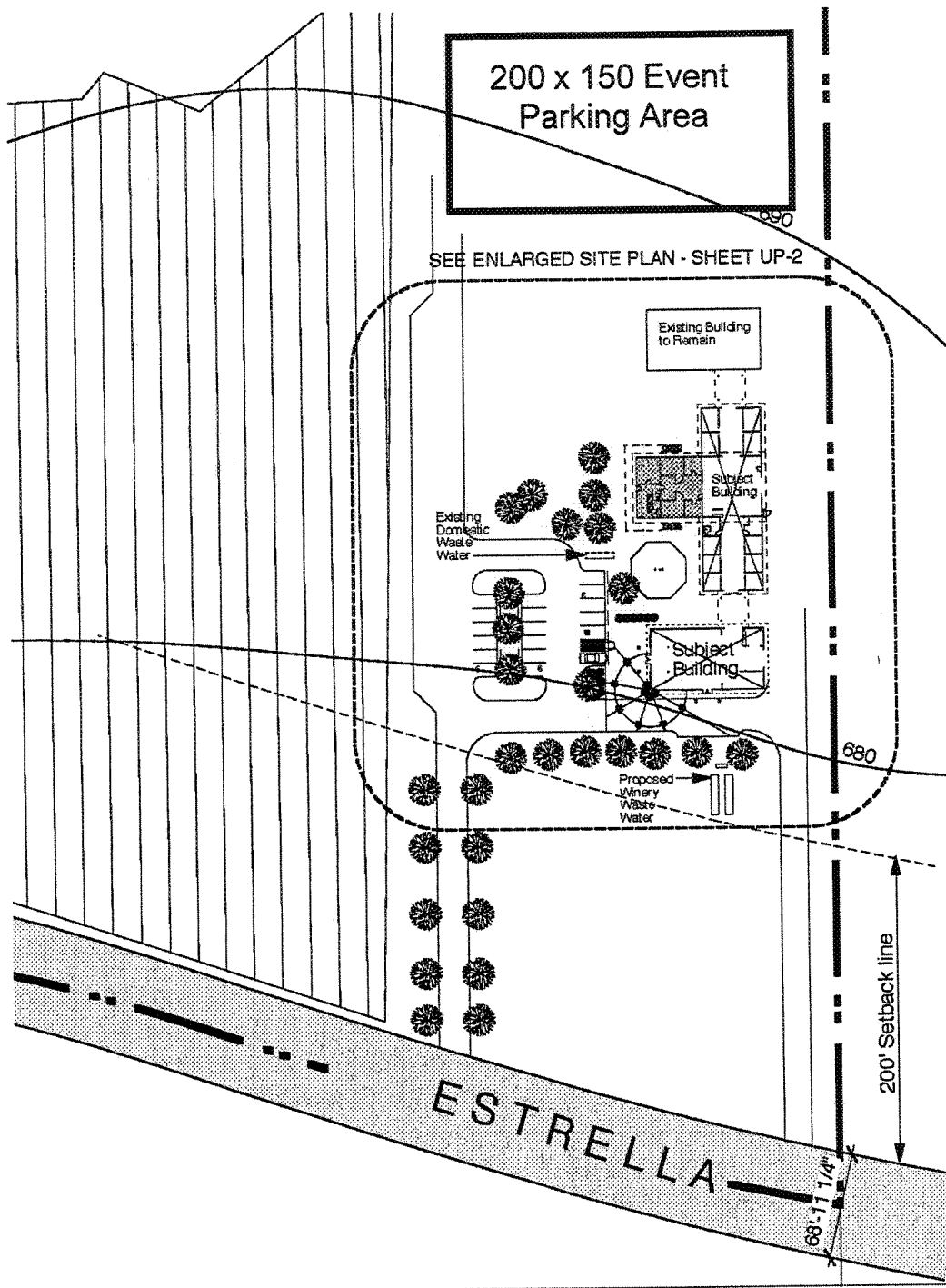
 ENLARGED SITE PLAN



## CONSTRUCTION NOTES

1. All trees shall remain
2. There is no grading associated with this permit. The buildings are existing.
3. Minimum 2% drainage for 8'-0" minimum away from the building foundation is required.







COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** July 12, 2004  
**TO:** Susan Callado, North County Planning Team  
**FROM:** Michael Isensee, Agricultural Resource Specialist  
**SUBJECT:** Hilltop Management Winery, DRC2003-00133

**SUMMARY OF FINDINGS**

The Agriculture Department's review finds that the proposed Hilltop Management Winery Map has:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☐ **Less than significant** impact(s) to agricultural resources or operations.
- ☒ **No Anticipated Impact** to agricultural resources or operations because the project is expanding within the boundaries of existing development and will not result in the conversion of additional prime agricultural soils or be incompatible with existing on-site or adjacent agricultural uses. The proposed project is consistent with all applicable Agriculture and Open Space Element policies, specifically policies 6 and 8.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Please call 781-5753 if I can be of further assistance.

RECEIVED

JUL 14 2004

Planning & Bldg



S. LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

revised

SC

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 6/2/2004

TO: Lamy

FROM: North Co. Team  
(Please direct response to the above)

Hilltop Mgmt.  
DRC 2003-00133  
Project Name and Number

Development Review Section (Phone: 781- 788-2009)

PROJECT DESCRIPTION: Convert 2 existing barns to  
tasting rooms for winery. Located on 75 acres in  
San Miguel. See following pages for  
Winery Project details w/ commonly asked qs.

Return this letter with your comments attached no later than: 6/16/2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
✓ YES (Please go on to Part II)  
       NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
       NO (Please go on to Part III)  
✓ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Legality not confirmed - Need pre-1722 deed.

6/12 Legality confirmed per Doc #22722. ✓

10-12-04  
6-24-04  
Date

Jo Manson  
Name

x46106  
Phone



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

SWC

JUN - 1 2004

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/2/2004

FROM

PW

FROM

North Co. Team

(Please direct response to the above)

Hilltop Mgmt.

DRC 2003-00133

Project Name and Number

Development Review Section (Phone: 781-

788-2009)

PROJECT DESCRIPTION:

Convert 2 existing barns to  
tasting rooms for winery. Located on 15 acres in  
San Miguel. See following pages for  
Winery Project details w/ commonly asked ?s.

Return this letter with your comments attached no later than:

6/16/2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES (Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which  
we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF  
REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to  
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of  
approval you recommend to be incorporated into the project's approval, or state reasons for  
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

SITE PLANS (3 ea) ARE FOR A DIFFERENT PROJECT LOCATED AT VIAGRAND &  
Peachy Cyal. WHAT DOES THIS layout look like? ADEQUATE PARKING?  
PAVED DRIVEWAY APPROACH off ESTRELLA RD? CONVERT EXISTING BUILDINGS  
WITH NO GRADING INVOLVED? RECOMMEND APPROVAL

15 July 2004  
Date

Goodwin  
Name

5252  
Phone

# CDF/San Luis Obispo County Fire

## Residential Fire Safety Plan

Date: September 22, 2004

Project Number(s): <b>PMT</b> <b>2004-00779</b> <b>2004-00783</b> <b>2004-00784</b>	Name: <b>Edward Dutton Sr.</b> <b>7450 Estrella Road</b> <b>San Miguel, CA 93451</b>	<b>HILLTOP</b> <b>MGMT.</b>
Project Location: see "notes" section		Cross Street: <b>Airport Road</b>
Mailing Address: Agent: Nelson R. Bernal 1425 Pine Street		City/State/Zip: Paso Robles, CA 93446
Phone Number(s): (805) 467-3886, Agent: 237-3746		
<b>Notes:</b> PMT2004-00779, 7440 Estrella Road, Building #1, 2960 SF dwelling attached to 4800 SF barn--NFPA 13 D residential sprinklers required due to total square footage.  PMT2004-00783, 7442 Estrella Road, Building #2, Unit A, 1120 SF farm support building  PMT2004-00784, 7444 Estrella Road, Building #2, Unit B, 1940 SF 2 <sup>nd</sup> primary dwelling		

The following **checked** items are required to be completed prior to final inspection of this project. When you have completed each item checked, initial and date that they are completed. When all items checked are completed please call for a fire department final inspection, (805)543-4244 ext. 2220. Inspections will be completed on the following Tuesday for South County and Thursday for the North County. Please have County issued permit card on site and visible.

This project is located approximately 10 to 15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. - This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following standards are required:	Owner/Agent Initials
<input checked="" type="checkbox"/> 30-foot building setback from property line	
<input checked="" type="checkbox"/> A residential fire sprinkler system is required (NFPA 13D)	
<input checked="" type="checkbox"/> Water storage tank required that gravity feeds a residential fire connection	
5000 gallons of water storage required	
<input checked="" type="checkbox"/> Automatic Fill	
<input checked="" type="checkbox"/> Sight gage	
<input checked="" type="checkbox"/> Venting System	
<input checked="" type="checkbox"/> Minimum 4-inch plumbing schedule 40 PVC or iron pipe	
<input checked="" type="checkbox"/> System gravity drain	
<input checked="" type="checkbox"/> Fire connection located on the approach to the structures	
<input checked="" type="checkbox"/> Fire connection must be located not less than 50 feet, no more than 150 feet from the structure	
<input checked="" type="checkbox"/> Fire connection is within 8-feet of the driveway and 24 inches above grade	
<input checked="" type="checkbox"/> Fire connection outlet valve must be a 2-1/2" brass National Standard male thread with cap. The outlet must face toward the driveway	
<input checked="" type="checkbox"/> If fire connection has less than 20 psi, then the word "DRAFT" will be clearly and permanently marked on the fire connection	
<input checked="" type="checkbox"/> Blue dot reflector located near fire connection	
<input type="checkbox"/> A fire hydrant is required that can deliver gallons per minute for 2 hours.	

<input type="checkbox"/> Two 2 1/2" outlets and one 4" outlet with National Standard threads	
<input type="checkbox"/> Within 8 feet of the roadway	
<input type="checkbox"/> Blue dot reflector on roadway just off center on the side of the hydrant	
<input type="checkbox"/> Located within 250 feet of the residence	
<input checked="" type="checkbox"/> 18- foot access road required	
<input checked="" type="checkbox"/> All weather surface	
<input checked="" type="checkbox"/> 10 foot fuel modification on both sides of road	
<input checked="" type="checkbox"/> Where exceeds 12% grade must be nonskid surface	
<input checked="" type="checkbox"/> Exceeds 16% must be certified by an engineer	
<input checked="" type="checkbox"/> Road must be named using the County standard signage	
<input checked="" type="checkbox"/> Driveway must be 16 feet wide	
<input checked="" type="checkbox"/> All weather surface capable of supporting 20 tons	
<input checked="" type="checkbox"/> Where exceeds 12% grade must be nonskid surface	
<input checked="" type="checkbox"/> Exceeds 16% must be certified by an engineer	
<input checked="" type="checkbox"/> 10 foot fuel modification on both sides of the road	
<input checked="" type="checkbox"/> Fire engine turnaround required within 50 feet of residence	
<input checked="" type="checkbox"/> Driveways exceeding 150 feet require a turnout(s) at midpoint and no more than 400 feet apart	
<input type="checkbox"/> Bridge is required to support a fire engine 20 tons	
<input type="checkbox"/> Bridge must have a sign indicating load limits	
<input checked="" type="checkbox"/> 30 feet of fuel modification is required for defensible space	
<input checked="" type="checkbox"/> Remove limbs located within 10 feet of chimney	
<input checked="" type="checkbox"/> A Class B non combustible roof is required	
<input checked="" type="checkbox"/> Highly visible permanent address numbers shall be placed at the driveway entrance (minimum 3" letters height, 3/8 inch stroke).	
<input checked="" type="checkbox"/> Highly visible address numbers shall be placed on the residence(s) (minimum 3" letters height, 3/8 inch stroke).	
<input checked="" type="checkbox"/> Smoke detectors are required in all sleeping areas	
Other Requirements:	

When the safety requirements have been completed, call the Fire Prevention Bureau at 543-4244 ext. 2220 and arrange for a final inspection.

*Chad Zrelak*

Chad Zrelak, Fire Captain



**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (NF)

**ENVIRONMENTAL DETERMINATION NO. ED03-573**

**DATE: October 13, 2005**

**PROJECT/ENTITLEMENT:** Damon Minor Use Permit DRC2003-00133

**APPLICANT NAME:** Riverstar Wines LLC

**ADDRESS:** 7450 Estrella Road, San Miguel, CA 93451

**CONTACT PERSON:** Jamie Kirk

**Telephone:** 805-461-5765

**PROPOSED USES/INTENT:** Request by Riverstar Wineries LLC to allow for: 1) reduction of the building set back from 200 feet to 50 feet from the property line, 2) conversion of an existing 6,226 square-foot barn to a wine production facility, 3) conversion of an existing 2,952 square-foot barn to a wine tasting room and case storage area, and 4) holding up to six special events a year with a maximum of 80 persons attending each event, which will all result in the disturbance of approximately 4,680 square feet on a 75 acre parcel.

**LOCATION:** The proposed project is within the Agriculture land use category and is located at 7450 Estrella Road on the northwest corner of the intersection of Airport Road approximately three miles southeast of the community of San Miguel. The site is in the El Pomar-Estrella planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Game

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on October 27, 2005**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No. \_\_\_\_\_**

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*  
☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Nick Forrester

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**



San Luis Obispo County  
Department of Planning and Building  
*environmental division*

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: October 13, 2005

County: San Luis Obispo

Project No. DRC2003-00133

Project Title: Damon Minor Use Permit

**Project Applicant**

Name: Riverstar Wines LLC

Address: 7450 Estrella Road

City, State, Zip Code: San Miguel CA 93451

Telephone #: 805.461.5765

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>
<b>Total amount due:</b>	<b>1275.00</b>

**AMOUNT ENCLOSED:** \_\_\_\_\_

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.





**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No: Hilltop Minor Use Permit ED03-573, DRC2003-00133**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Geology and Soils           | <input type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources          | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality                     | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Wastewater                 |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing          | <input type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                   |

☒ **Mandatory Findings of Significance**

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nick Forester      Nick Forester      9-22-05  
Prepared by(Print)      Signature      Date

Julie Eliason      Julie Eliason      Ellen Carroll,  
Reviewed by(Print)      Signature      (for) Environmental Coordinator      Sept. 22, 2005  
Date

### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** - Request by Riverstar Wineries LLC for a Minor Use Permit to allow for the conversion of an existing 6226 square-foot barn to a wine production facility and to convert an existing 2952 square-foot barn to a wine tasting room and case storage area. Additionally, the applicant is requesting a waiver of the requirement that wineries with tasting rooms and special events be located 200 feet from the property line and is proposing to place the winery and tasting room 50 feet from the property line. The applicant is proposing to hold up to six special events a year with a maximum of 80 persons attending each event. Because all structures are existing, the only permanent site disturbance associated with the project will be the construction of a secondary access road which will result in approximately 4680 Square feet of disturbance on a 75 acre parcel. The proposed project is within the Agriculture land use category and is located at 7450 Estrella Road. The project is located on the northwest corner of the intersection of Estrella and Airport Road approximately three miles from the town of San Miguel. The site is in the El Pomar-Estrella planning area.

ASSESSOR PARCEL NUMBER: 027-191-016

SUPERVISORIAL DISTRICT #: 1

### **B. EXISTING SETTING**

PLANNING AREA: El Pomar/Estrella - Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Vineyards, agricultural accessory buildings, farm worker housing, single family residence and a residential second unit.

TOPOGRAPHY: Level to gentle slopes

VEGETATION: Vineyards and scattered oak trees

PARCEL SIZE: 75 acres

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Agriculture - Dry Farm

*East:* Agriculture/Dry Farm / Scattered Residences

*South:* Agriculture - Dry Farm / Scattered Residences

*West:* Agriculture - Vineyards / Scattered Residences

### **C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located on the northwest corner of Estrella and Airport Road in an area that is predominately large agricultural parcels between 40 to 200 acres in size. The neighboring uses include dry farming, parcels planted with vineyards, and parcels with rural home sites. The topography on the site is level to gently sloping with the majority of the site planted in vineyards. The wine processing facility is proposed to be located along a level area 200 feet from Estrella Road.

**Impact.** The wine processing facility will be located in an existing 6,226 square foot barn and the case goods storage and wine tasting areas will be located within an existing 2,952 square foot barn. The barns are visible from Estrella and Airport Road, however, their conversion to a winery facility will not change the visual character of the area as they are consistent in design and scale to the surrounding development. The winery structure is designed to have a residential and agrarian character and land. The project has the potential to create night lighting and glare that could impact surrounding residential uses.

**Mitigation / Conclusion.** The project has been conditioned to require that any portions of the winery structure that are visible from public roads shall be screened where necessary to preserve the rural character of the area. The project has been conditioned so that prior to issuance of grading and/or construction permits, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from Estrella or Airport Road. The applicant shall provide evidence that the proposed tank(s) are as low in profile as is possible, given the site conditions. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

Additionally the project has been conditioned so that prior to issuance of grading and/or construction permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.16.040 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation along the south sides that will adequately screen the new development, including driveways, access roads, outbuildings, water tanks, parking areas, etc. from Estrella and Airport Road.

The landscape plan shall utilize only plant material consistent with Section 22.16.040 of the San Luis Obispo County Land use Ordinance.

The Land Use Ordinance requires that exterior lighting be hooded and directed downward. The project has been conditioned so that at the time of application for construction permits, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from Estrella or Airport Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first. The height of free standing outdoor lighting fixtures shall be kept as low as is practically possible so that they are not visible from neighboring properties, Estrella or Airport Road. Security lighting shall be shielded so as not to create glare when viewed from neighboring properties, Estrella or Airport Road.

No specific measures above what will already be required by ordinance or code are required.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types and class for "non-irrigated" and "irrigated" soil, as described in the NRCS Soil Survey, include: Arbuckle-San Ysidro Complex (non-irr: IV, irr: II), San Ysidro Loam (non-irr: IV, irr: IV), Hanford and Greenfield Gravelly Sandy Loam (non-irr: IV, irr: II), Arbuckle-Positas Complex (non-irr: VII, irr: N/A), Elder Loam (non-irr: IV, irr: II). The site is zoned for agricultural purposes, is currently planted with vineyards. The project proposes the establishment of a wine processing facility, which is consistent with the Agricultural zoning. No vineyards will be removed as a result of the change in use. The Agriculture Commissioner's office reviewed the project and found the project to be consistent with the Land Use Element, the Land Use Ordinance and the Ag and Open Space Element. No significant agricultural impacts are expected, therefore no mitigation measures are required.

3.	AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other : Fugitive Dusts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** As proposed, the project will result in both short-term vehicle emissions (which creates ozone) and the creation of dust during harvest. No substantial increase in daily truck traffic will occur with the proposed project. Truck trips associated with the project will in fact decrease, as production will occur on site versus transporting grapes off site. However, there will be an increase in car traffic to the site for tasting. Typically

opening a winery for tasting is estimated to generate approximately 20 daily vehicle trips to the site on weekends and 10 trips on weekdays. However, the applicant does not expect more than 10 trips daily due to location of the winery and the small production proposed for this winery. The new tasting room is not expected to result in a significant increase in traffic on a regular basis. Based on Table 1-1 of the CEQA Air Quality Handbook the project will result in less than 10 pounds per day of pollutants which is below the threshold requiring any mitigation. No significant air quality impacts are expected to occur as a result of this project.

**Mitigation / Conclusion.** The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No specific measures above what will already be required by ordinance or code are required.

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<b>4. BIOLOGICAL RESOURCES -</b> <i>Will the project:</i>				
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site was visited on February 20, 2004. The site is level to gently sloping and is surrounded by agricultural uses on large parcels (40 - 200 acres). The vegetation on the site consists of non-native grasses, scattered oak trees and the majority of the site is planted in vineyards. The Natural Diversity Database (2003) identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species.

**Impact.** San Joaquin Kit Fox. A "San Joaquin Kit Fox Habitat Evaluation Form" was prepared by Rincon Consultants, Inc. on August 11, 2003. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game. The evaluation, complete with Mr. Stafford's changes, concluded that the mitigation ratio is 3:1. The proposal will have limited site disturbance due to the use of existing structures and an existing driveway. A secondary access road 260 feet long by 18 feet wide of all-weather surface (as requested by CDF) will be constructed, resulting in 4,680 square feet of kit fox habitat that will be permanently affected by the proposed project. The project is not proposing the removal of any native oak trees.

**Mitigation / Conclusion.** Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox. Based on the score of the kit fox habitat evaluation, the applicant will be required to mitigate the loss of .11 acres (4,680 square feet) at a 3:1 ratio for a total of .32 acres (14,040 square feet) of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection in perpetuity, acquisition of fee or a conservation easement, of suitable habitat in the kit fox corridor area; purchase credits in an approved conservation bank; or enter into a Mitigation Agreement with the Department of Fish and Game. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey and monitoring activities and implement cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<b>5. CULTURAL RESOURCES -</b> <i>Will the project:</i>				
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 5. CULTURAL RESOURCES -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is located in an area historically occupied by the Obispeño Chumash and Southern Salinan. The project is not located in an area that would be considered culturally sensitive due to a lack of physical features typically associated with prehistoric occupation, and no recorded sites are located in the immediate area. No evidence of cultural materials was noted on-site and no impacts are anticipated.

No historical structures are present and no paleontological resources are known to exist in the area. Impacts to historic or paleontological resources are not expected.

**Mitigation / Conclusion.** No specific measures above what will already be required by ordinance or code are required.

## 6. GEOLOGY AND SOILS -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting / Impact.

**Geology.** The topography of the project ranges from level to gently sloping to steep. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered low to high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine rock. The project is not within a known earthquake area.

**Drainage.** The nearest source of surface water is Estrella Creek, located approximately .05 miles to the west. The area proposed for development is outside the 100-year Flood Hazard designation. For areas where drainage

is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**Sedimentation and Erosion.** The soil types include: Nacimiento-Los Osos Complex, Rincon Clay Loam, Balcom-Nacimiento Complex. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and has a moderate shrink-swell characteristic.

The topography in the area of the project site is level and no new buildings will be constructed as a result of the project. Because the project site is flat no grading will be required for the secondary access and no significant impacts are anticipated.

**Mitigation/Conclusion.** The topography in the area of the project site is level and no new buildings will be constructed as a result of the project. Because the project site is flat no grading will be required for the secondary access driveway. Prior to future development on the subject property, the applicant will be required to prepare a drainage plan (per County Land Use Ordinance, Sec. 22.52.080) that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows. There is no evidence that measures above what will already be required by ordinance or code are needed for geology, drainage or sedimentation/erosion are because impacts are less than significant.

7.	HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	<i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The project was reviewed by the California Department of Forestry and a Fire Safety Plan was approved for the project. If the Fire Safety Plan is incorporated into future development (See discussion under Section 12 Transportation), impacts are expected to be reduced to an insignificant level. The use of pesticides if under the purview of the state's required pesticide program which is the functional equivalent of CEQA. Therefore, hazardous substances impacts are considered less than significant.

**Mitigation / Conclusion.** No specific measures above what will already be required by ordinance or code are required.

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
8.	<b>NOISE - Will the project:</b>				
a)	<i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is located in a rural area and is not adjacent to any noise generating uses. All wine making activities will occur indoors. The project is requesting to hold up to six special events with no more than 80 guests. The special events will be subject to the County Noise Ordinance standards, which include a restriction of amplified music to be allowed only between the hours of 10:00 a.m. and 5:00 p.m. The project will not generate nor is it exposed to significant stationary or transportation-related noise sources; therefore, no significant noise impacts are expected to occur.

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
9.	<b>POPULATION/HOUSING - Will the project:</b>				
a)	<i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is agricultural in nature. The winery will employ the owners and non-permanent seasonal employees. The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur.

**Mitigation / Conclusion.** No specific measures above what will already be required by ordinance or code are required.

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
10.	<b>PUBLIC SERVICES/UTILITIES - Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</b>				
a)	<i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
10.	<b>PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i></b>				
e)	<i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The closest CDF fire station is the Paso Robles 2 CDF, which is about 3 miles from the proposed project. The closest Sheriff substation is in Paso Robles, which is about 12 miles from the proposed project. The project is in the Pleasant Valley Joint Union Elementary School District.

**Impact: *Fire and Police:*** Impact fees are charged new development, to help pay the cost of providing new facilities to serve the expanding rural areas. The current fire and police stations are adequate to accommodate additional uses in this area.

***Schools:*** At build-out, the County's population will overburden the existing school system unless additional classroom space is added. The San Miguel Unified School District charges impact fees to fund additional schools as needed. State law restricts mitigation of school impacts to the levying of these fees and other measures adopted by the school district. Provision of adequate facilities for the population is the responsibility of the school district. Fees will be required through construction permits for each of the winery conversion and addition.

***Roads:*** See discussion under Section 12, Transportation.

**Mitigation / Conclusion.** No specific measures above what will already be required by ordinance or code are required.

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
11.	<b>RECREATION - <i>Will the project:</i></b>				
a)	<i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The County Trails Plan does not show a future trail being considered on the subject property. The project is not proposed in a location that will affect any trail, park or other recreational resource, and will not create a significant need for additional park or recreational resources therefore mitigation is not required.

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
12.	<b>TRANSPORTATION/ CIRCULATION - <i>Will the project:</i></b>				
a)	<i>Increase vehicle trips to local or area-wide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

12.	TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c)	Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Provide for adequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will have access onto Estrella Road, a county maintained road designated as a collector road. Adequate parking for the facility has been provided on-site. Additional unimproved parking can be provided on the site to accommodate the additional traffic generated by the special events.

**Impact.** The project is expected to generate approximately 20 additional traffic trips on weekends and 10 cars per day on week days. The County Public Works Department has reviewed the project and did not have concerns with the agricultural processing use or the traffic generated by the small wine tasting facility. The project is proposing to hold special events that could require emergency ingress and egress to the site.

**Mitigation.** The applicant shall implement the Fire Safety Plan prepared for the project which will require the project to have a secondary access road for emergency purposes. The access driveway and interior circulation roads shall be required to meet CDF standards for an 18 foot road width with all weather surface, gate width requirements, turnarounds and vertical clearance. The implementation of the aforementioned mitigation measures will reduce impacts to an insignificant level.

13.	WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater system will be placed is Hanford and Greenfield Gravelly Sandy Loams. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth, and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent

down-slope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Based on the NRCS Soil Survey, the soils on the site should be capable of supporting a septic system for the proposed use.

**Impact.** The project proposes to use an on site septic system to handle wastewater effluent. The winery will produce approximately 5,000 cases of wine annual at peak capacity. The pumice generated by the wine production process will be dispersed throughout the vineyard. The wastewater generated by the project will be processed and treated by an on-site septic system. The winery will generate less than 400 gallons of wastewater per day during peak crush. Sufficient area exists in areas of level to gentle slope to engineer an adequate septic and leach field system located out of setbacks determined by the RWQCB Basin Plan.

**Mitigation/Conclusion.** The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14.	WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact. Water Usage.** The project proposes to use an on-site well as its water source. The winery will use approximately 400 gallons of water a day during the peak crush season. The County Building and Construction Ordinance and the Environmental Health Department requires the applicant to submit water well tests to verify both capacity and potability for the proposed water source prior to issuance of the building permit. Based on available information, the proposed ground water source is not considered in a state of overdraft. Therefore, there are no potentially significant impacts, and no specific measures above standard requirements have been determined necessary.

**Setting. Surface Water Quality.** The topography of the site is level to gently sloping. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

15.	LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
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15.	LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impacts** - The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Agriculture and Open Space Element, etc.). The applicant is requesting a modification of the 200 foot property line setback for wineries with public tasting. The ordinance provides an exception to the setback standards with specific findings. The project meets the criteria for the setback modification because the setbacks are not practical or feasible due to the existing topographical conditions of the site. Locating the facility in an alternative location would require either the removal of additional vineyards, additional grading, and/or putting the facilities in a more visible location. Referrals were sent to several agencies to review for various policy consistencies (e.g., Agriculture Commissioner for consistency with the Agriculture and Open Space Element). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The project is surrounded by similar agricultural development. The proposed project is compatible with these surrounding uses. Since no inconsistencies were identified, no additional measures above what will already be required was determined necessary.

16.	MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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### Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	In File
<u>X</u>	County Environmental Health Division	In File *
<u>X</u>	County Agricultural Commissioner's Office	In File *
—	County Airport Manager	Not Applicable
—	Airport Land Use Commission	Not Applicable
—	Air Pollution Control District	Not Applicable
—	County Sheriff's Department	Not Applicable
<u>X</u>	Regional Water Quality Control Board	No Response
—	CA Coastal Commission	Not Applicable
<u>X</u>	CA Department of Fish and Game	Attached
—	CA Department of Forestry	Attached
—	CA Department of Transportation	Not Applicable
<u>X</u>	San Miguel Advisory	In File *
—	Building Department	Not Applicable
—	San Miguel Sanitary District	Not Applicable
—	San Miguel FPD	Not Applicable
—	Community Planner/Liaison	Not Applicable

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u>	Project File for the Subject Application	<u>✓</u>	<u>El Pomar - Estrella</u> Area Plan and Update EIR
<u>✓</u>	<u>County documents</u>		<u>Circulation Study</u>
—	Airport Land Use Plans		<u>Other documents</u>
<u>✓</u>	Annual Resource Summary Report	<u>✓</u>	Archaeological Resources Map
—	Building and Construction Ordinance	<u>✓</u>	Area of Critical Concerns Map
—	Coastal Policies	<u>✓</u>	Areas of Special Biological Importance Map
<u>✓</u>	Framework for Planning (Coastal & Inland)	<u>✓</u>	California Natural Species Diversity Database
<u>✓</u>	General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u>	Clean Air Plan
<u>✓</u>	<u>✓</u> Agriculture & Open Space Element	<u>✓</u>	Fire Hazard Severity Map
<u>✓</u>	<u>✓</u> Energy Element	<u>✓</u>	Flood Hazard Maps
<u>✓</u>	<u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u>	Natural Resources Conservation
<u>✓</u>	<u>✓</u> Housing Element		Service Soil Survey for San Luis Obispo County
<u>✓</u>	<u>✓</u> Noise Element	<u>✓</u>	Regional Transportation Plan
—	<u>✓</u> Parks & Recreation Element	<u>✓</u>	Uniform Fire Code
<u>✓</u>	<u>✓</u> Safety Element	<u>✓</u>	Water Quality Control Plan (Central Coast Basin - Region 3)
<u>✓</u>	Land Use Ordinance	—	Other
—	Real Property Division Ordinance	—	Other
<u>✓</u>	Trails Plan		
—	Solid Waste Management Plan		

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

*Kit Fox Habitat Evaluation Form (Rincon Consultants, Inc.; August 11, 2003).*

## Exhibit B - Mitigation Summary Table

### **Biological Resources - San Joaquin Kit Fox**

The Kit Fox Evaluation, which was completed for the Hilltop Minor Use Permit DRC2003-00133 on August 11, 2003 by Rincon Consultants, Inc. and reviewed by Bob Stafford requires that all impacts be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). Total compensatory mitigation required for the project is .32 acres, based on 3 times .11 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of .32 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Fees, made payable to The Nature Conservancy, would total \$800.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground-disturbing activities.

- c. Purchase .32 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of .3 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist

acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disk, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. **Before commencing with project activities**, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3** **Prior to issuance of grading and/or construction permit**, the applicant shall clearly delineate as a note on the project plans, that: *Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.* In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4** **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5** **Prior to issuance of grading and/or construction permit**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly



prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
- BR-11 **Prior to final inspection or occupancy, whichever comes first**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Date: September 27, 2005

RECEIVED

BY: *dw*

**DEVELOPER'S STATEMENT FOR  
HILLTOP MANAGEMENT INC./ RIVERSTAR WINES LLC DRC2003-00133**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**Biological Resources - San Joaquin Kit Fox**

The Kit Fox Evaluation, which was completed for the Hilltop Minor Use Permit DRC2003-00133 on August 11, 2003 by Rincon Consultants, Inc. and reviewed by Bob Stafford requires that all impacts be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). Total compensatory mitigation required for the project is .32 acres, based on 3 times .11 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of .32 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 46), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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California Environmental Quality Act (CEQA). Fees, made payable to The Nature Conservancy, would total \$800.00. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground-disturbing activities.

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At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of .3 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- b. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

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In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

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shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
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- BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Monitoring (San Joaquin Kit Fox Measures BR-3 - BR-11):** Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

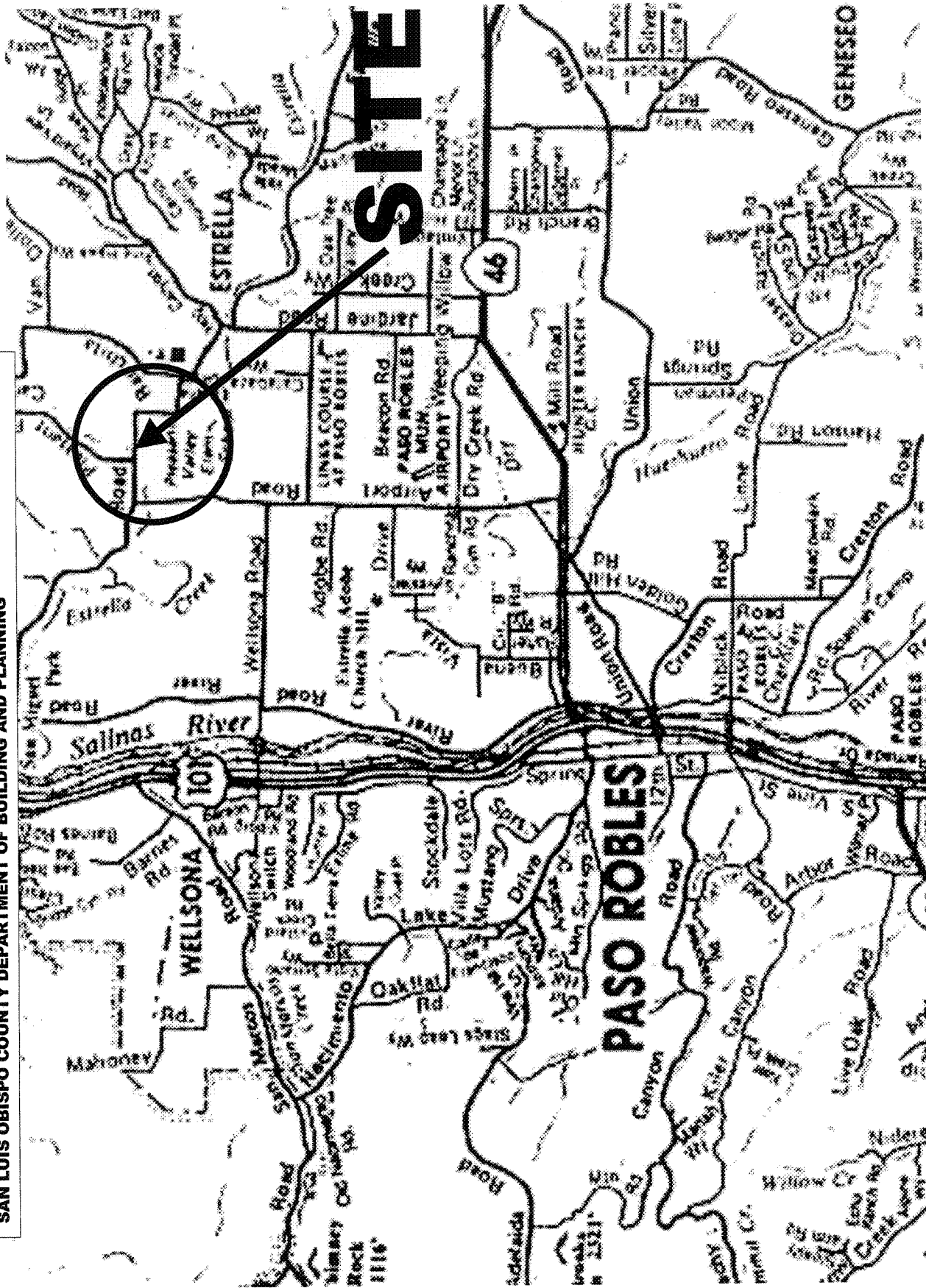
County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Muriel Dutton  
Signature of Owner(s)

9/29/05  
Date

Muriel Dutton  
Name (Print)



PROJECT

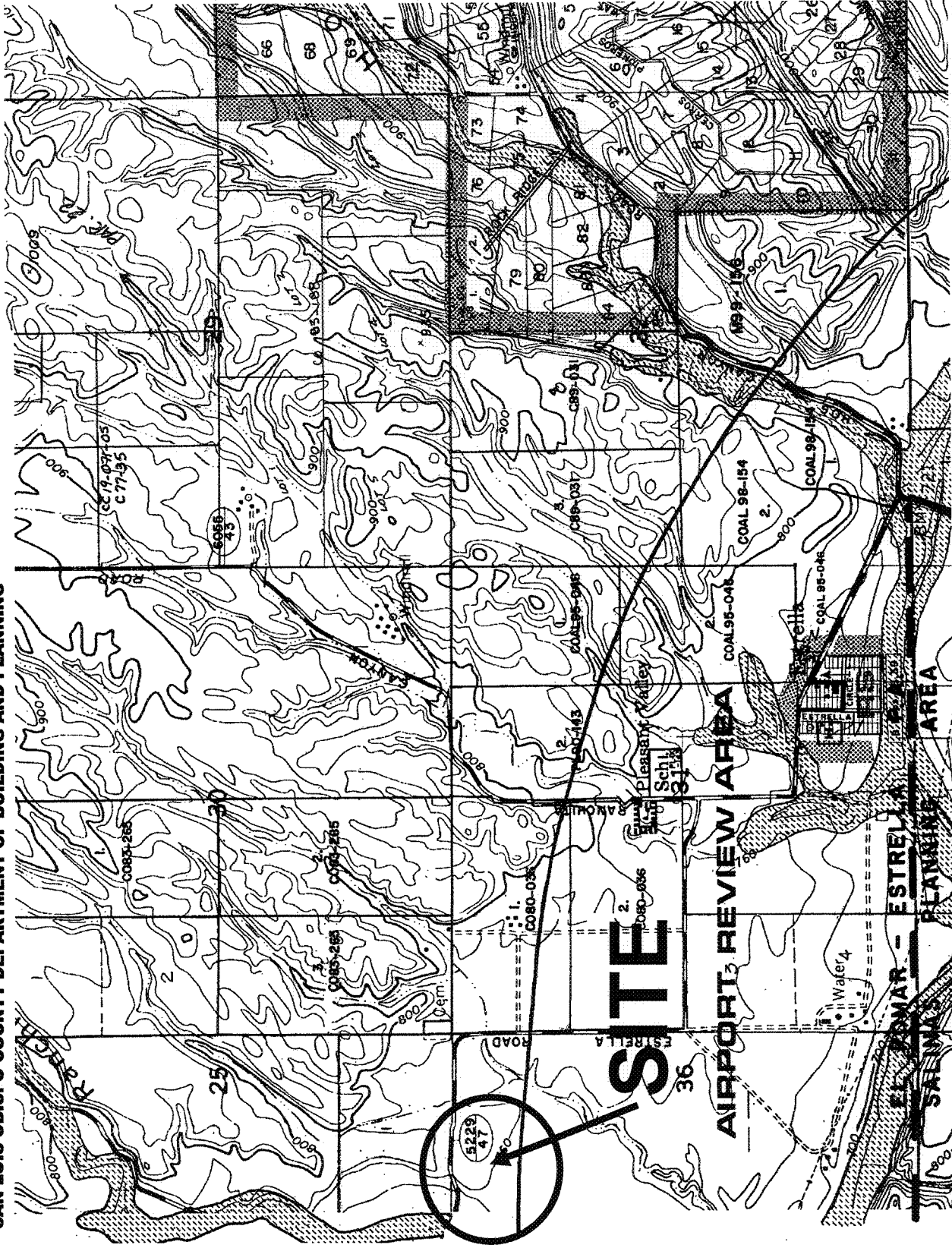
Minor Use Permit  
Hilltop, Inc. DRC2003-00133



EXHIBIT

Vicinity Map





PROJECT

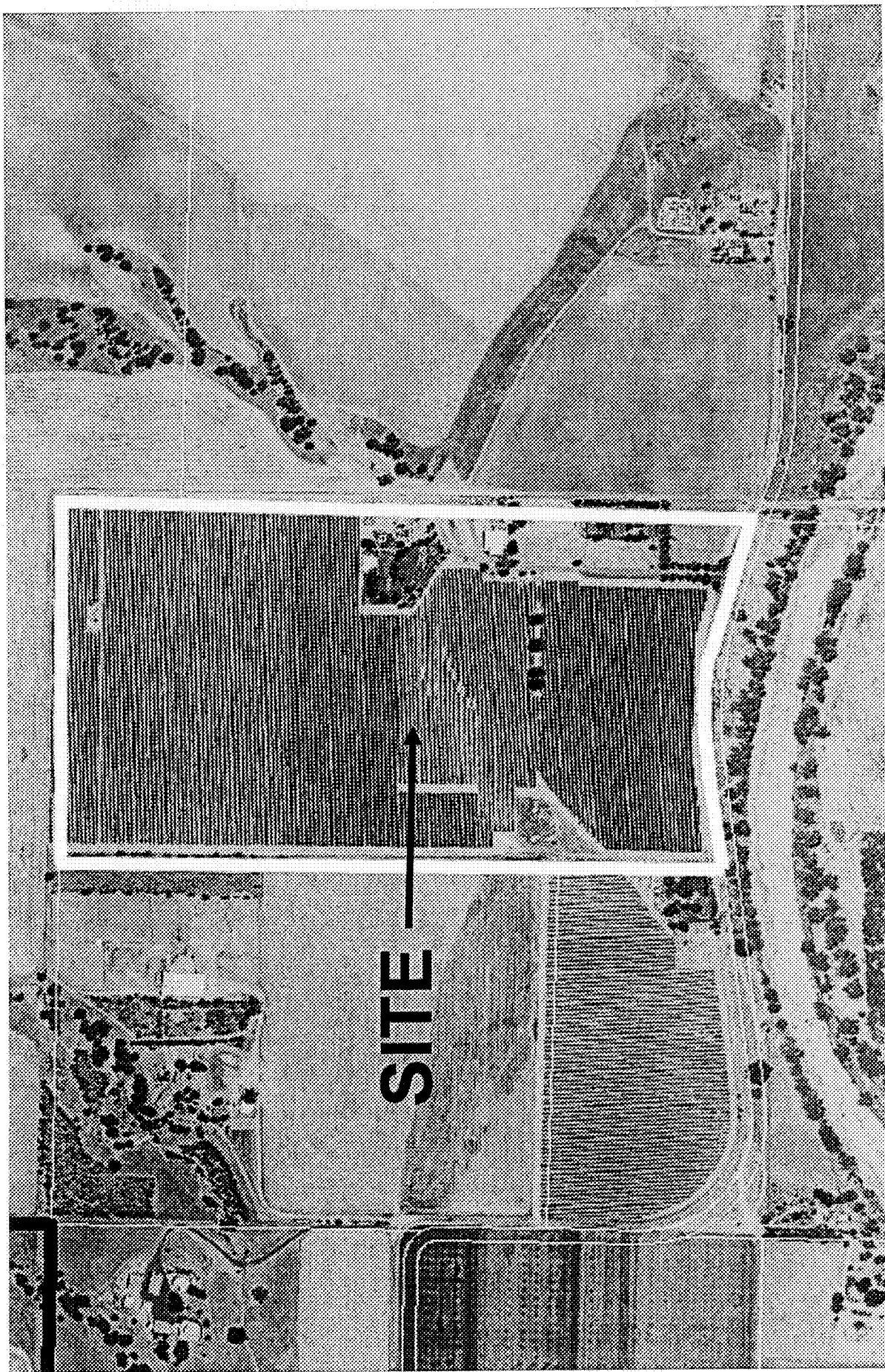
Minor Use Permit  
Hilltop, Inc. DRC2003-00133



EXHIBIT

Land Use Category





PROJECT

Minor Use Permit  
Hilltop, Inc. DRC2003-00133

EXHIBIT

Aerial



# RIVER STAR RANCH

7450 ESTRELLA,  
SAN MIGUEL, CA.

## PROJECT SUMMARY

**Description of Proposed Use:**  
The building is intended for use as a production and storage facility for a small winery with an attached tasting room. The hours of operation will be generally 9 a.m. to 5 p.m. during the year, however, additional time may be required during the production season from August through November. It is anticipated that there will be two employees on the property.

**Deliveries:**  
Deliveries of product may enter the site from Estrella.

**Equipment:**  
It is anticipated that only equipment for wine production will be provided. Any additional equipment for specific uses will be screened from public view.

**Project Address:** 7450 Estrella Road,  
San Miguel, CA

**Owners Name and Address:** Ed & Muriel Dutton,  
7450 Estrella Road,  
San Miguel, CA 93401

**Architect/Agent:** Hamrick Associates, Inc.,  
1609 Costa Brava  
Shell Beach, CA 93449  
(805) 773-9377

### Property Information

**Existing Use Zone:** Agriculture (AG)  
**Proposed Land Use:** AG Storage / Production  
**Assessor's Parcel Number:** 057-191-016  
**Area of Site:** 80 acres  
**Site Coverage:** 10,835 a.f. (13.5%)  
**Existing Buildings:** No Proposed Buildings at this time

**Subdivider:**  
**Front:** 200' min.  
**Side:** 30' min.  
**Rear:** 30' min.

**Parking Required:** Total Spaces Required: 13

**Testing Room:** = 1 space / 200 a.f. = 1788 / 200 = 8.93  
**Production/Storage:** = 1 space / 2000 a.f. = 7457 / 2000 = 3.72  
**Total Parking Required = 12.65 spaces**

**Parking Provided:** Total Spaces Provided: 18

### Building Information

**Occupancy:** U-3  
**Construction Type:** Type V-N  
**Building Area:** 5,222 a.f.  
**Number of Stories:** 1  
**Tallest Building Height:** 20'

## GENERAL NOTES

- Construction shall be in conformance with the following codes:  
Uniform Building Code 1997    National Electrical Code 1996  
Uniform Mechanical Code 1997    Uniform Fire Code 1997  
Calif. Admin. Code 1-17 & 24    Uniform Plumbing Code 1997
- All utilities shall be placed underground.
- A separate grading permit and encroachment permit is required in addition to the building permit.
- Locations, clearance dimensions on utility stub outs for all equipment shall be coordinated and/or verified by contractor.
- Sanitary facilities will be provided on site during construction of each tenant improvement space.

## FIRE SYSTEM NOTES

- Submit plans and specifications for the entire fire alarm system to the California Division of Forestry for review and approval prior to installation. Plans per NFPA 13.
- Fire Department Access to Equipment. Rooms or areas containing controls for air-conditioning systems, automatic fire-extinguishing systems or other detection, suppression or control elements shall be identified for use by the Fire Department.
- When fire protection facilities are to be installed by the developer, such facilities shall be installed and made serviceable prior to and during the time of construction.
- Install (3) wall mounted fire extinguishers, Min. 2A10BC as shown on floor plans, so that maximum travel distance shall not exceed 75' to the nearest extinguisher from any portion of the building. Fire extinguishers listed above, will be required on site during construction.

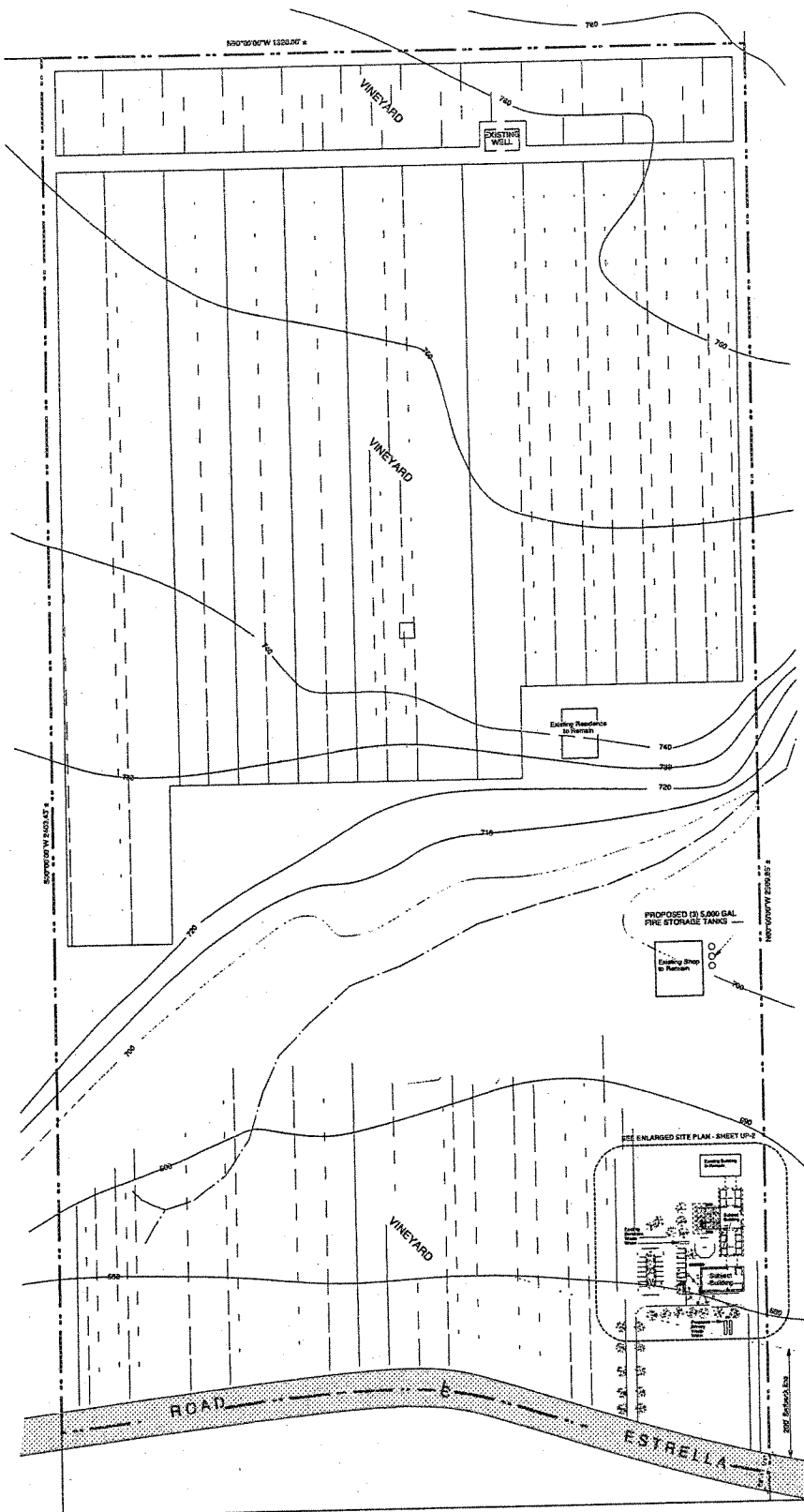
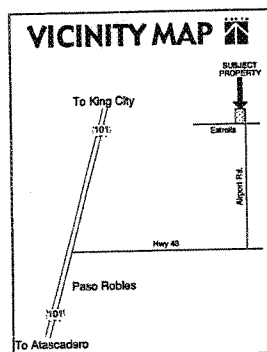
## DIRECTORY

Owner: Ed & Muriel Dutton, 487.3886

Architect: Hamrick Associates, Inc. - 773.9377

SLO County Planning Dept.: 781.7175  
SLO County Building Dept.: 781.7180  
California Division of Forestry: Fire Dept.: 781.7390

PGE: J.T. Haze 546.5234  
Gas Co: Mark Jordan 781.2430  
Pacific Bell: David Moore - 546.7447

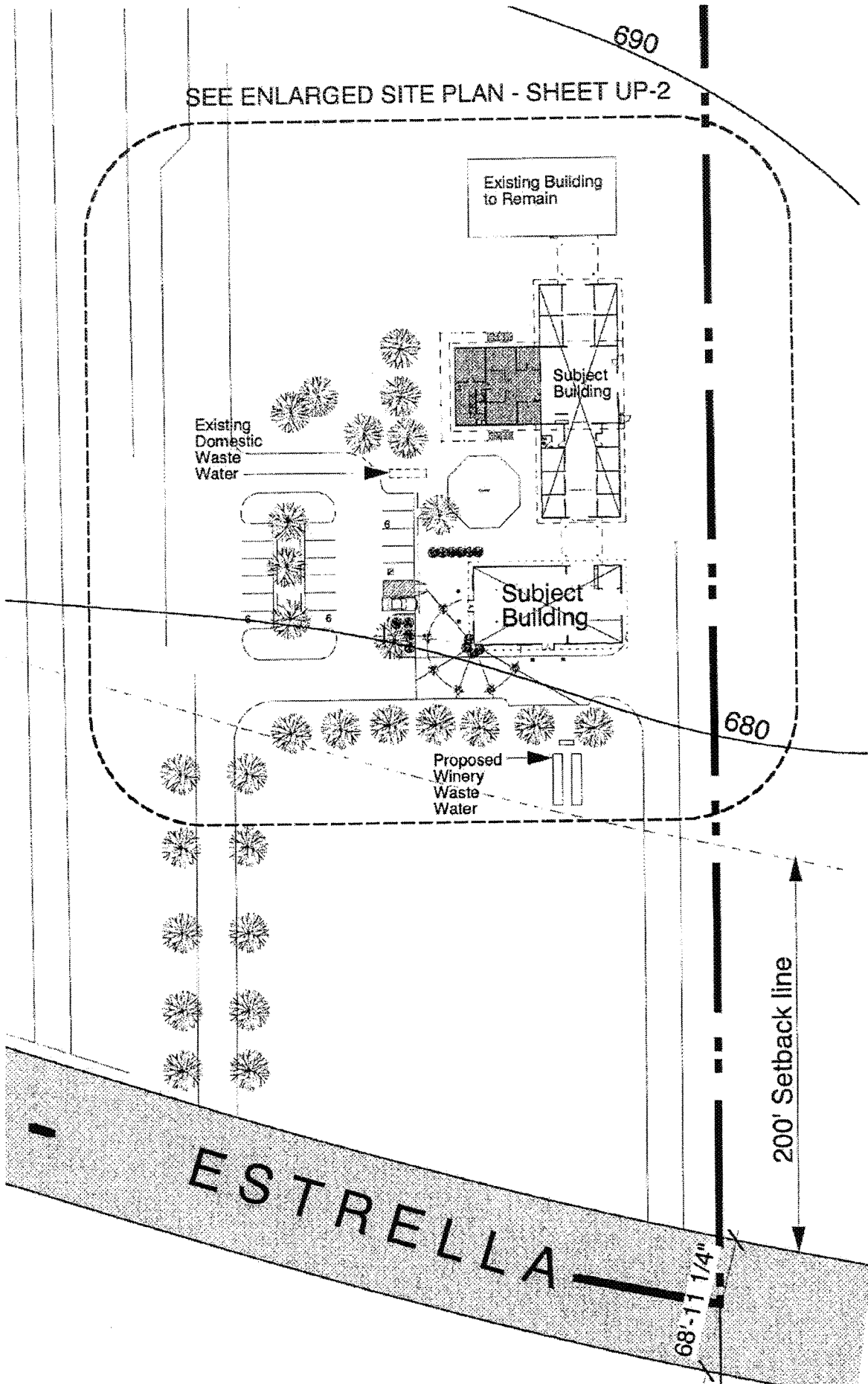


## OVERALL SITE PLAN

UP-1  
**Hamrick Associates, Inc.**  
Architecture • Planning  
1609 Costa Brava, Shell Beach, CA 93449  
(805) 773-9377

## SHEET INDEX

- UP-1 PROJECT SUMMARY  
GENERAL NOTES  
VICINITY MAP  
DIRECTORY
- UP-2 ENLARGED SITE PLAN  
PRELIMINARY GRADING PLAN
- UP-3 BUILDING FLOOR PLANS  
BUILDING ELEVATIONS



EXHIBIT

Site Plan



PROJECT

Minor Use Permit  
Hilltop, Inc. DRC2003-00133